

Department of the Navy, DoD

§ 721.6

section when such activities and the official duties of the naval personnel invited to participate in the event are unrelated.

(2) [Except as indicated in paragraph (h)(1) of this section, naval personnel may not accept personal reimbursement from any source for expenses incident to official travel unless authorized by their commanding officer or head of their activity consistent with guidance provided by the appropriate ethics official] (pursuant to 5 U.S.C. 4111 or other authority). Rather, reimbursement must be made to the Government by check payable to the "Treasurer of the United States". Personnel will be reimbursed by the Government in accordance with regulations relating to reimbursement for official travel.

(3) When transportation, accommodations, meals, or services in kind are furnished to naval personnel by non-Government sources consistent with paragraph (h) of this section, appropriate deductions shall be reported and made in the travel, per diem, or other allowances payable by the Government.

(4) In no case shall naval personnel accept reimbursement either in kind or in cash that is extravagant or excessive in nature.

(i) *Speaking, lecturing, writing, and appearances.* (1) Naval personnel are encouraged to engage in teaching, lecturing, and writing. [Naval personnel (including all Navy and Marine Corps members of both the ready and standby reserve), however, shall not, either with or without compensation, engage in activities that are dependent upon information obtained as a result of their Government employment except when the information has been published or is generally available to the public, or it will be made generally available and the official authorized to release such information gives written authorization for the use of nonpublic information on the basis that its use is in the public interest.]

(2) Unless there is a definite executive branch, Department of Defense, or Department of the Navy position on a matter addressed in the appearance or writing and the individual has been authorized by appropriate superior au-

thorities to present that position officially, he or she shall expressly present his or her views on that matter as his or her own and not as those of the Department of the Navy or Department of Defense.

(3) [Naval personnel may not accept a payment or fee for any appearance or writing unless undertaken as a private citizen and not in an official capacity.] See also paragraph (j) of this section relating to outside employment generally.

(4) Naval personnel may not accept an honorarium exceeding \$2,000 (excluding actual travel and subsistence expenses for the individual concerned, and for his or her spouse, or an aide, and fees or commissions paid to agents) for any appearance, lecture, speech, or article, unless disbursed to charitable organizations in accordance with procedures of 2 U.S.C. 441i(b). An honorarium is a gratuitous payment which is not intended as compensation for services.

(5) Civilian presidential appointees assigned to the Department of the Navy whose appointments must be made by and with the advice and consent of the Senate shall not receive compensation (excluding travel and subsistence expenses not otherwise prohibited by this instruction) or anything of monetary value for any consultation, lecture, discussion, writing, or appearance the subject matter of which is devoted substantially to naval responsibilities, programs, or operations or that draws substantially from official material that has not become part of the body of public information. Such personnel are also prohibited in any calendar year from having outside earned income exceeding 15 percent of the rate of pay fixed by law as compensation for their services to the Government or as stipulated and agreed to with the Senate Committee on Armed Services as a condition to the confirmation of their appointment by the Senate, whichever is less. See 5 U.S.C. app. 210.

(j) *Outside employment of naval personnel.* (1) [Naval personnel shall not engage in outside employment or any other outside activity with or without compensation that:]

(i) **Interferes with or is not compatible with the performance of their Government duties;**

(ii) **May reasonably be expected to bring discredit upon the Government or the Department of the Navy; or**

(iii) **Is otherwise inconsistent with the requirements of this instruction** including the requirement to avoid actions and situations which reasonably can be expected to create the appearance of a conflict of interest.

(2) Enlisted naval personnel on active duty may not be ordered or authorized to leave their post to engage in a civilian pursuit, business, or professional activity if it interferes with the customary or regular employment of local civilians in their art, trade, or profession. See 10 U.S.C. 974.

(3) Active duty Regular officers of the Navy and Marine Corps, including those on terminal leave, shall not be employed by any person or entity furnishing naval supplies or war materials to the United States. If such an officer is so employed, he or she is not entitled to payment from the United States for the duration of that employment, pursuant to 37 U.S.C. 801(a).

(4) Off-duty employment of military personnel by an entity involved in a strike is permissible if the person was on the payroll of the entity prior to the commencement of the strike and if the employment is otherwise in conformance with the provisions of this instruction. After a strike begins and while it continues, no military personnel may accept employment by that involved entity at the strike location.

(k) *Use of civilian and military titles or positions in connection with commercial enterprises.* (1) **All naval personnel are prohibited from using their grade, rank, title, or position in connection with any commercial enterprise or in endorsing any commercial product.** See also Article 1403, U.S. Navy Uniform Regulations. This does not preclude author identification for materials published in accordance with DOD procedures. A commercial enterprise is any entity that engages in activities that produce income as defined in the Internal Revenue Code of 1954, section 61, and that has not been exempted from paying income taxes pursuant to

the Internal Revenue Code of 1954, section 501(a).

(2) All retired military personnel and all members of Reserve components not on active duty are permitted to use their military titles in connection with commercial enterprises, provided that they indicate their inactive Reserve or retired status. If, however, such use of military titles in any way casts discredit upon the Department of the Navy or the Department of Defense or gives the appearance of sponsorship, sanction, endorsement, or approval by the Department of the Navy or the Department of Defense, it is prohibited. In addition, commanders of overseas installations may further restrict the use of titles in overseas areas including use by retired military personnel and members of Reserve components not on active duty.

(l) *Use of Government facilities, property, and manpower.* **Naval personnel shall not directly or indirectly use, take, dispose of, or allow the use, taking, or disposing of Government manpower, property or facilities of any kind, including property leased to the Government, for other than official government business or purpose.** Naval personnel have a positive duty to protect and conserve Government property. Waste or abuse of any Government asset will not be tolerated. See SECNAVINST 5430.92. These provisions do not preclude the use of Government facilities for approved activities in furtherance of naval community relations, provided they do not interfere with military missions or Government business. See SECNAVINST 5720.44 (series) for community relations guidance.

(m) *Prohibition of contributions or presents to superiors.* **Naval personnel shall not solicit contributions from other DOD personnel for a gift to a superior, make a donation or a gift to a superior, or accept a gift from other DOD personnel subordinate to themselves.** This prohibition does not include voluntary gifts or contributions of nominal value on special occasions such as marriage, illness, transfer, promotion, or retirement, provided any gifts acquired with such contributions shall not be extravagant or excessive in nature.